

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	0

MR. SPEAKER:

Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1101, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, delete lines 1 through 15, begin a new paragraph and insert:
- 2 "SECTION 1. IC 4-1-11-3, AS ADDED BY P.L.91-2005,
- 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2006]: Sec. 3. (a) As used in this chapter, "personal
- 5 information" means **either of the following**:
- 6 (1) **With respect to an individual's: individual:**
- 7 (A) **the individual's:**
- 8 (i) first name and last name; or ~~(B)~~
- 9 (ii) first initial and last name; and
- 10 ~~(2)~~ **(B)** at least one (1) of the following data elements:
- 11 ~~(A)~~ **(i) The individual's** Social Security number.
- 12 ~~(B)~~ **(ii) The individual's** driver's license number or
- 13 identification card number.
- 14 ~~(C)~~ **(iii)** Account number, credit card number, debit card
- 15 number, security code, access code, or password of ~~an~~ **the**
- 16 individual's financial account.

1 **(2) Information collected for the purpose of issuing a license**
2 **or permit to a person that allows the person to engage in**
3 **specific employment or perform a specific task in relation to**
4 **employment in Indiana and that is:**

5 **(A) required to be submitted as part of a license or permit**
6 **application; or**

7 **(B) gathered as part of the license or permit application**
8 **screening or approval process.**

9 (b) The term does not include the following:

10 (1) The last four (4) digits of an individual's Social Security
11 number.

12 (2) Publicly available information that is lawfully made available
13 to the public from records of a federal agency or local agency.

14 **(3) If a person has had a license or permit revoked, restricted,**
15 **or suspended due to an action by the person that makes the**
16 **person no longer suitable to hold an unrestricted license or**
17 **permit, the:**

18 **(A) person's full legal name;**

19 **(B) person's city of residence;**

20 **(C) type of license or permit held by the person; and**

21 **(D) facts that caused the person's license or permit to be**
22 **revoked, restricted, or suspended."**

23 Page 2, delete lines 1 through 22.

24 Page 2, line 25, delete "confidential." and insert "**confidential for**
25 **purposes of IC 5-14-3-4."**

26 Page 2, delete lines 26 through 31.

27 Page 4, between lines 32 and 33, begin a new line block indented
28 and insert:

29 **"(10) A person who engages in the business of waste collection,**
30 **except to the extent the person holds a customer's personal**
31 **information directly in connection with the business of waste**
32 **collection.**

33 **(11) A person who maintains and complies with a disposal**
34 **program under:**

35 **(A) the federal USA Patriot Act (P.L.107-56);**

36 **(B) Executive Order 13224;**

37 **(C) the federal Driver's Privacy Protection Act (18 U.S.C.**
38 **2721 et seq.);**

- 1 **(D) the federal Fair Credit Reporting Act (15 U.S.C. 1681**
- 2 **et seq.);**
- 3 **(E) the federal Financial Modernization Act of 1999 (15**
- 4 **U.S.C. 6801 et seq.); or**
- 5 **(F) the federal Health Insurance Portability and**
- 6 **Accountability Act (HIPAA) (P.L.104-191);**
- 7 **if applicable."**

8 Page 4, line 33, after "who" insert ":".

9 Page 4, between lines 34 and 35, begin a new line block indented
10 and insert:

- 11 **"(1) has:**
- 12 **(A) received; or**
- 13 **(B) contracted for;**
- 14 **the direct or indirect provision of goods or services from**
- 15 **another person holding the person's personal information; or**
- 16 **(2) provides the person's personal information to another**
- 17 **person in connection with a transaction with a nonprofit**
- 18 **corporation or charitable organization."**

19 Page 4, delete lines 34 through 37.

20 Page 4, line 38, delete "holding the customer's personal
21 information."

22 Page 4, line 38, beginning with "The" begin a new line blocked left.

23 Page 5, line 15, delete "IC 4-1-11-3." and insert "**IC 24-4.9-2-10.**"

24 Page 6, line 31, delete "IC 28-1-1-3;" and insert "**IC 28-1-1-3, other**
25 **than a consumer finance institution licensed to make supervised or**
26 **regulated loans under IC 24-4.5;".**

27 Page 9, line 34, after "Notice" insert "**or the Guidance on Response**
28 **Programs for Unauthorized Access to Member Information and**
29 **Member Notice, as applicable,".**

30 Page 10, between lines 19 and 20, begin a new paragraph and insert:

31 **"SECTION 7. IC 35-32-2-6 IS ADDED TO THE INDIANA CODE**
32 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
33 **JULY 1, 2006]: Sec. 6. (a) Subject to subsection (b), a person who**
34 **commits the offense of identity deception may be tried in a county**
35 **in which:**

36 **(1) the victim resides; or**

37 **(2) the person:**

38 **(A) obtains;**

- 1 **(B) possesses;**
 2 **(C) transfers; or**
 3 **(D) uses;**
 4 **the information used to commit the offense.**
- 5 **(b) If:**
- 6 **(1) a person is charged with more than one (1) offense of**
 7 **identity deception; and**
- 8 **(2) either:**
- 9 **(A) the victims of the crimes reside in more than one (1)**
 10 **county; or**
- 11 **(B) the person performs an act described in subsection**
 12 **(a)(2) in more than one (1) county;**
- 13 **the person may be tried in any county described in subdivision (2).**
- 14 SECTION 8. IC 35-41-1-1, AS AMENDED BY P.L.115-2005,
 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2006]: Sec. 1. (a) As used in this section, "Indiana" includes:
- 17 (1) the area within the boundaries of the state of Indiana, as set
 18 forth in Article 14, Section 1 of the Constitution of the State of
 19 Indiana;
- 20 (2) the portion of the Ohio River on which Indiana possesses
 21 concurrent jurisdiction with the state of Kentucky under Article
 22 14, Section 2 of the Constitution of the State of Indiana; and
- 23 (3) the portion of the Wabash River on which Indiana possesses
 24 concurrent jurisdiction with the state of Illinois under Article 14,
 25 Section 2 of the Constitution of the State of Indiana.
- 26 (b) A person may be convicted under Indiana law of an offense if:
- 27 (1) either the conduct that is an element of the offense, the result
 28 that is an element, or both, occur in Indiana;
- 29 (2) conduct occurring outside Indiana is sufficient under Indiana
 30 law to constitute an attempt to commit an offense in Indiana;
- 31 (3) conduct occurring outside Indiana is sufficient under Indiana
 32 law to constitute a conspiracy to commit an offense in Indiana,
 33 and an overt act in furtherance of the conspiracy occurs in
 34 Indiana;
- 35 (4) conduct occurring in Indiana establishes complicity in the
 36 commission of, or an attempt or conspiracy to commit, an offense
 37 in another jurisdiction that also is an offense under Indiana law;
- 38 (5) the offense consists of the omission to perform a duty imposed

- 1 by Indiana law with respect to domicile, residence, or a
2 relationship to a person, thing, or transaction in Indiana;
- 3 (6) conduct that is an element of the offense or the result of
4 conduct that is an element of the offense, or both, involve the use
5 of the Internet or another computer network (as defined in
6 IC 35-43-2-3) and access to the Internet or other computer
7 network occurs in Indiana; or
- 8 (7) conduct:
- 9 (A) involves the use of:
- 10 (i) the Internet or another computer network (as defined in
11 IC 35-43-2-3); or
- 12 (ii) another form of electronic communication;
- 13 (B) occurs outside Indiana and the victim of the offense resides
14 in Indiana at the time of the offense; and
- 15 (C) is sufficient under Indiana law to constitute an offense in
16 Indiana.
- 17 (c) When the offense is homicide, either the death of the victim or
18 bodily impact causing death constitutes a result under subsection (b)(1).
19 If the body of a homicide victim is found in Indiana, it is presumed that
20 the result occurred in Indiana.
- 21 **(d) If the offense is identity deception, the lack of the victim's**
22 **consent constitutes conduct that is an element of the offense under**
23 **subsection (b)(1). If a victim of identity deception resides in Indiana**
24 **when a person knowingly or intentionally obtains, possesses,**
25 **transfers, or uses the victim's identifying information, it**

1 **is presumed that the conduct that is the lack of the victim's consent**
2 **occurred in Indiana."**

3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1101 as introduced.)

and when so amended that said bill do pass.

Representative Ruppel